

PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
45999-28002.00 (N12-01)

First named inventor: Thomas K. TCHEUNG

Application No: 10/072,669

Art Unit: 3762

Filed: February 5, 2002

Examiner: Scott M. Getzow

Title: RESPONSIVE ELECTRICAL STIMULATION FOR MOVEMENT DISORDERS

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

Small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27.

Other than small entity – fee \$ 1,500.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of \_\_\_\_\_ (identify type of reply):  
 has been filed previously on \_\_\_\_\_  
 is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1,700.00.  
 has been paid previously on \_\_\_\_\_  
 is enclosed herewith.

Page 1 of 2

05/16/2006 HDME562 00000011 031952 10072669

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1500.00 DA

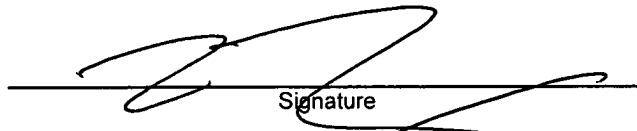
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## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: A statement in support of this petition is attached herewith.



Signature

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Mika Mayer

Typed or printed name

May 11, 2006

Date

47,777

Registration Number, if applicable

MORRISON & FOERSTER LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018

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Address

(650) 813-4298

Telephone Number

Enclosures:

Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay - 2 pages Transmittal (1 page); Fee Transmittal + duplicate copy for fee processing (2 pages); Petition for Revival (2 pages); Part B- Fee(s) Transmittal + duplicate copy for fee processing (2 pages); Notification of Loss of Entitlement to Small Entity Status (1 page); Return Receipt Postcard

Other: \_\_\_\_\_

Page 2 of 2

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 534439280 US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: May 11, 2006

Signature:

(Georgina Matos)

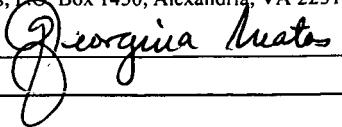


PATENT  
Docket No. 45999-28002.00 (N12-01)

CERTIFICATE OF MAILING BY EXPRESS MAIL

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Signature: 

(Georgina Matos)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Thomas K. TCHENG

Application No.: 10/072,669

Filing Date: February 5, 2002

Title: RESPONSIVE ELECTRICAL  
STIMULATION FOR MOVEMENT  
DISORDERS

Examiner: Scott M. Getzow

Art Unit: 3762

**STATEMENT TO SUPPORT PETITION TO REVIVE UNINTENTIONALLY  
ABANDONED APPLICATION**

MS Petition  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Benjamin D. Pless, state the following:

1. I am the Chief Operating Officer, Chief Technical Officer and a Board Member of NeuroPace, Inc., the company to which this application has been, or will be assigned. I am also a named inventor on the above-referenced application.
2. NeuroPace, Inc. employed an in-house patent attorney to manage our patent portfolio. His responsibilities included overseeing prosecution, or directly prosecuting, our patent matters. Our in-house patent attorney was responsible for directly prosecuting the above-referenced application.
3. It has just recently come to my attention that the above-referenced application was abandoned due to a failure to prosecute the application. This fact came to light after our in-house patent attorney departed, and our patent files were audited by outside patent counsel not associated with the prosecution of the above-referenced application.

4. The failure to prosecute the above-referenced application was clearly unintentional. I, and NeuroPace, Inc., intended that all actions associated with the above-referenced application would be timely taken, and that all fees due would be timely paid.

5. Because I, and NeuroPace, Inc., in no way intended to abandon the above-referenced application, or otherwise allow it to lapse, I have asked our outside patent counsel to take all steps necessary to revive it.

6. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application, any patent issuing thereon, or any patent to which this verified statement is directed.

By: Benjamin D. Pless

Signature: B. D. Pless

Date: 5-10-06



PTO/SB/17 (01-06)

Approved for use through 7/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2006

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 1,500.00)

**Complete If Known**

Application Number	10/072,669
Filing Date	February 5, 2002
First Named Inventor	Thomas K. TCHENG
Examiner Name	S. Getzow
Art Unit	3762
Attorney Docket No.	459992800200 (N12-01)

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

**FEE CALCULATION** (All the fees below are due upon filing or may be subject to a surcharge.)

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Application Type</u>	<u>FILING FEES</u>		<u>SEARCH FEES</u>		<u>EXAMINATION FEES</u>		<u>Fees Paid (\$)</u>
	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	<u>Fee (\$)</u>	<u>Small Entity</u>	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**
Fee Description

Each claim over 20 (including Reissues)

<u>Fee (\$)</u>	<u>Small Entity</u>
50	25

Each independent claim over 3 (including Reissues)

200	100
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Multiple dependent claims

360	180
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<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- =	x =	=	

<u>Multiple Dependent Claims</u>	
<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>

<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- =	x =	=	

HP = highest number of total claims paid for, if greater than 20.

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/50	(round up to a whole number) x	=	

<u>Fees Paid (\$)</u>
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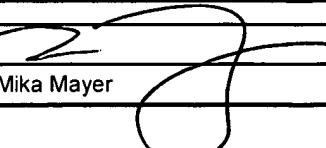
**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1453 Petition to revive unintentionally abandoned...

1,500.00

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	47,777	Telephone	(650) 813-4298
Name (Print/Type)	Mika Mayer			Date	May 11, 2006